

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F059537      Salida Union School District v. Realty Executives International, Inc. et al.**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F059614      People v. Monroy**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F057124      People v. Castillo**

The judgment is affirmed. Hill, J.

We concur: Wiseman, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F058936      People v. Blackwood**

The above-entitled case is submitted for decision.

**F058936      People v. Blackwood**

The judgment is affirmed.

By the Court.

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**F057352      People v. Sims**

The order for commitment finding Sims to be an SVP within the meaning of section 6600 et seq. and committing him to the custody of the Department is affirmed, except as to the commitment for an indeterminate term. In light of the holding in McKee, the matter is remanded to the trial court for reconsideration of Sim's argument that an indefinite commitment violates equal protection, with directions to the trial court to hold proceedings and to resolve the issue of whether the People can prove a factually based justification for treating SVP's differently than MDO's and NGI's. The trial court, however, shall suspend further proceedings in Sims' case pending finality of the proceedings on remand in McKee. (McKee, supra, 47 Cal.4th at pp. 1208-1210.) "Finality of the proceedings" in McKee shall include the finality of any subsequent appeal and any proceedings in the California Supreme Court.

We concur: Hill, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056337      People v. Thomas**

Respondent's petition for rehearing filed herein is denied.

**F057814      People v. Marengo**

The judgment of conviction is affirmed. The sentence is modified to stay the sentence imposed on Count 2, violation of Penal Code section 186.22, subdivision (a). As modified, the judgment is affirmed. The trial court shall prepare and distribute to the appropriate authorities an amended abstract of judgment showing that the determinate sentence for violation of Penal Code section 186.22, subdivision (a), in case No. MF46884 is stayed pursuant to Penal Code section 654. Wiseman, Acting P.J.

We concur: Gomes, J.; Kane, J.

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